

**United States District Court**  
**STATE AND DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA

V.

JULIO BARRETO-BARRAGAN

**CRIMINAL COMPLAINT**

Case Number:

11-MJ-261 FLN

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 11, 2011, in Hennepin County, in the State and District of Minnesota, defendant(s)

an alien, who had previously been removed on December 12, 2003, subsequent to a conviction for an aggravated felony, namely: Possession with intent to distribute Marijuana, in the State of Illinois, on November 5, 2003, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

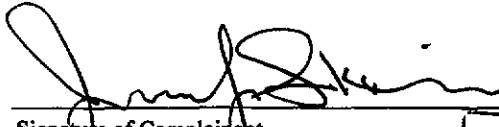
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

6/24/11  
The Honorable Franklin L. Noel  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

  
Signature of Complainant  
Jennifer Skwira  
U.S. ICE

Minneapolis, MN  
City and State

  
Signature of Judicial Officer

SCANNED

JUN 27 2011

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

**AFFIDAVIT OF Jennifer Skwira**

Jennifer Skwira, being duly sworn, deposes and states as follows:

1. I am a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since September 2, 2007. I have been in various positions within legacy Immigration and Naturalization Service (INS) and the United States Citizenship and Immigration Services (USCIS) for the last 13 years.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about May 11, 2011, in Hennepin County, in the State and District of Minnesota, Julio BARRETO-Barragan unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that BARRETO-Barragan's removal was subsequent to a conviction for commission

of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. Defendant, Julio BARRETO-Barragan was targeted for arrest after he was arrested, booked, and released from the Edina Police Department on or about May 12, 2011 for a traffic violation using the alias of Cesar CHINANTECO-Fuentes.
6. On or about May 11, 2011 BARRETO-Barragan was pulled over by the Edina Police Department for expired tabs. BARRETO-Barragan provided Officer Moore of the Edina Police Department with the name Cesar CHINANTECO-Fuentes. CHINANTECO-Fuentes aka BARRETO-Barragan further indicated he did not have a driver's license. Officer Moore ran routine checks on the name Cesar CHINANTECO-Fuentes. In addition, on or about May 11, 2011, Edina Police Dispatch contacted the Department of Homeland Security (DHS) to run an immigration inquiry on the name of Cesar CHINANTECO-Fuentes. DHS did not have any record of a person by that name. CHINANTECO-Fuentes aka BARRETO-Barragan was placed under arrest for the charge of No Driver's License. Edina Police Dispatch contacted DHS to inquire if they wanted to place an immigration hold on CHINANTECO-Fuentes aka BARRETO-Barragan. DHS did not want to place an immigration hold on CHINANTECO-Fuentes aka BARRETO-Barragan. CHINANTECO-Fuentes aka BARRETO-Barragan was booked, photographed and fingerprinted by the Edina Police Department. CHINANTECO-Fuentes aka BARRETO-Barragan was issued a June 16, 2011 court date and released.

7. On May 12, 2011, Immigration and Customs Enforcement Agent (IEA) Marnie Midby received a report via facsimile from the Bureau of Criminal Apprehension (BCA) indicating that Cesar CHINANTECO-Fuentes, State Identification Number MN11E63062, was reported for the offense of Driving Without a Valid License. IEA Midby completed a records check on the State Identification Number associated with CHINANTECO-Fuentes. The records check reflected an alias of Julio BARRETO-Barragan with a date of birth of March 27, 1981 that was previously removed as an aggravated felon. The records check also reflected that BARRETO-Barragan was recently arrested by the Edina Police Department under the name CHINANTECO-Fuentes. IEA Midby contacted the Edina Police Department to see if BARRETO-Barragan was in their custody. Edina Police Department indicated BARRETO-Barragan was booked and released for No Driver's License. IEA Midby received the particulars on BARRETO-Barragan and referred the case to the St. Paul Immigration and Customs Enforcement (ICE) Fugitive Operations Team.
8. On June 3, 2011, BARRETO-Barragan was located and arrested in Hennepin County, in the State and District of Minnesota, by members of the ICE Fugitive Operations Team. BARRETO-Barragan was arrested without incident. BARRETO-Barragan was immediately advised of his Miranda rights. BARRETO-Barragan invoked his rights. BARRETO-Barragan was not interviewed and his case was processed using existing records. BARRETO-Barragan was transported to the ICE office in Bloomington, MN for processing. BARRETO-Barragan was fingerprinted. BARRETO-Barragan's fingerprints came back to FBI No. 329939PB4, which was

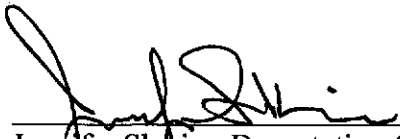
linked to his conviction for Manufacture, Deliver or Possess with Intent to Deliver or Manufacture Cannabis and his prior removal in 2003. Deportation Officer Ladwig completed the arrest and served BARRETO-Barragan with the required administrative paperwork.

9. On November 5, 2003, BARRETO-Barragan was convicted in The Circuit Court of Cook County, Illinois for the offense of Manufacture, Deliver or Possess with Intent to Deliver or Manufacture Cannabis in violation of IL criminal code 720-550/5. BARRETO-Barragan was sentenced to 24 months stayed to probation for 15 years.
10. BARRETO-Barragan's immigration file indicates that he has been previously arrested and removed from the United States on one occasion. On December 12, 2003, BARRETO-Barragan was removed from the United States to Mexico at the Paso Del Norte Bridge, TX port of entry.
11. Law enforcement has confirmed through fingerprints and photographs contained in BARRETO-Barragan's criminal history and immigration file that the individual named Cesar CHINANTECO-Fuentes referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on or about May 12, 2011, by ICE.
12. My investigation has revealed that BARRETO-Barragan is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.
13. My investigation confirms that since his removal from the United States on December 12, 2003 BARRETO-Barragan has not applied for, nor received, permission to enter

the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

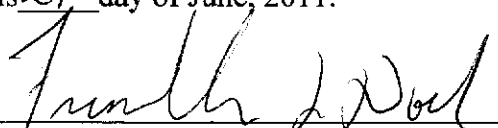
14. Based on these facts, I have reason to believe that Julio BARRETO-Barragan unlawfully reentered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

15. Further Your Affiant Sayeth Not.

  
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Jennifer Skwira, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 24<sup>th</sup> day of June, 2011.

  
\_\_\_\_\_  
United States Magistrate Judge